

AO 120 (Rev. 08/10)

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court District of North Dakota - Southeastern Division on the following

☐ Trademarks or ☒ Patents. ( ☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 3:05-cv-17	DATE FILED 2/18/2005	U.S. DISTRICT COURT District of North Dakota - Southeastern Division
PLAINTIFF ATI, Inc.		DEFENDANT Titan Machinery, Inc. Fargo Products, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 RE36,284	8/31/1999	ATI, Inc. (f/k/a AgTracks, Inc.)
2 RE36,284 F1	11/25/2008	ATI, Inc. (f/k/a AgTracks, Inc.)
3 6,074,025	6/13/2000	ATI, Inc. (f/k/a AgTracks, Inc.)
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above—entitled case, the following decision has been rendered or judgement issued:

<b>DECISION/JUDGEMENT</b>  See the following attached documents: Amended Judgment dated 10/25/10 at docket no. 72; Amended Order dated 10/25/10 at docket no. 71; Consent Decree and Order of Dismissal with Prejudice dated 10/20/10 at docket no. 69.
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CLERK Robert Ansley	(BY) DEPUTY CLERK /s/ Lori A. Haberer	DATE 10/26/2010
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

10/12/2010	<u>67</u>	Minute Entry for proceedings held before Magistrate Judge Karen K. Klein: Settlement Conference held on 10/12/2010. Case settled pending final approval of written documents. (jo) (Entered: 10/13/2010)
09/23/2010	<u>66</u>	NOTICE of Hearing: Settlement Conference reset for 10/12/2010 at 10:30 AM in Chambers before Magistrate Judge Karen K. Klein. (Previously set for 9/23/2010 at 10:00 AM in Chambers before Magistrate Judge Karen K. Klein). (AS) (Entered: 09/23/2010)
09/22/2010		Deadlines and Hearings terminated. Settlement conference set for 9/23/10 to be rescheduled. (NJM) (Entered: 09/22/2010)
09/13/2010	<u>65</u>	NOTICE of Hearing: Settlement Conference reset for 9/23/2010 at 10:00 AM in Chambers before Magistrate Judge Karen K. Klein. (Previously set for 9/15/2010 at 10:00 AM in Chambers before Magistrate Judge Karen K. Klein). (AS) (Entered: 09/13/2010)
08/20/2010	<u>64</u>	NOTICE of Hearing: Settlement Conference reset for 9/15/2010 at 10:00 AM in Chambers before Magistrate Judge Karen K. Klein. (Previously set for 9/3/2010 at 10:00 AM in Chambers before Magistrate Judge Karen K. Klein). (AS) (Entered: 08/20/2010)
08/18/2010	<u>63</u>	NOTICE of Hearing: Settlement Conference reset for 9/3/2010 at 10:00 AM in Chambers before Magistrate Judge Karen K. Klein. (Previously set for 8/16/2010 at 10:30 AM in Fargo Chambers before Magistrate Judge Karen K. Klein). (AS) (Entered: 08/18/2010)
08/13/2010		Deadlines and Hearings terminated: Settlement Conference set for 8/16/2010 at 10:30 AM in Fargo Chambers before Magistrate Judge Karen K. Klein is cancelled. The Settlement Conference will be rescheduled at a later date. (AS) (Entered: 08/13/2010)
07/30/2010	<u>62</u>	Minute Entry for proceedings held before Magistrate Judge Karen K. Klein: Status Conference held on 7/30/2010. (lc) (Entered: 07/30/2010)
07/30/2010	<u>61</u>	ORDER for Settlement Conference by Magistrate Judge Karen K. Klein. Settlement Conference set for 8/16/2010 at 10:30 AM in Fargo Chambers before Magistrate Judge Karen K. Klein. (lh) (Entered: 07/30/2010)
07/22/2010	<u>60</u>	NOTICE of Hearing: Status Conference set for Friday 7/30/2010 at 10:30 AM by telephone before Magistrate Judge Karen K. Klein, plaintiff to initiate the call (chambers number (701)297-7070). (NJM) (Entered: 07/22/2010)
07/22/2010	<u>59</u>	ORDER granting <u>56</u> Motion to Lift Stay by Chief Judge Ralph R. Erickson. (AH) (Entered: 07/22/2010)
06/11/2010	<u>58</u>	NOTICE of Substitution of Attorney by Michael S. Raum on behalf of Peter Christianson, Fargo Products, LLC, Fargo Track, Inc., Titan Machinery, Inc. (Raum, Michael) (Entered: 06/11/2010)
06/09/2010	<u>57</u>	RESPONSE to Motion re <u>56</u> MOTION lift stay re <u>54</u> Order and Request to Reopen this Patent Infringement Litigation filed by Fargo Products, LLC, Titan Machinery, Inc.. (Attachments: # 1 Certificate of Service)(Bremer,

		Dennis) (Entered: 06/09/2010)
06/04/2010	<u>56</u>	MOTION lift stay re <u>54</u> Order <i>and Request to Reopen this Patent Infringement Litigation</i> by ATI, Inc.. (Attachments: # <u>1</u> text of proposed order, # <u>2</u> certificate of service)(Jansson, Peter) (Entered: 06/04/2010)
04/19/2007	<u>55</u>	ORDER granting <u>53</u> Stipulated Motion for Partial Dismissal as to Count II of the Complaint and Count II of the Counterclaim, by Judge Ralph R. Erickson. (NG) (Entered: 04/19/2007)
04/18/2007		Case Stayed per Order <u>54</u> filed 4/18/07. (lc) (Entered: 04/23/2007)
04/18/2007	<u>54</u>	ORDER granting <u>52</u> Stipulated Motion for Stay, by Judge Ralph R. Erickson. (NG) (Entered: 04/18/2007)
04/13/2007	<u>53</u>	STIPULATION of Dismissal of <i>Plt Ct. II and Deft CClm Ct. II and related Affirm Defs</i> by Titan Machinery, Inc., Fargo Products, LLC, ATI, Inc.. (Attachments: # <u>1</u> Text of Proposed Order Granting Partial Dismissals) (Jansson, Peter) (Entered: 04/13/2007)
04/13/2007	<u>52</u>	STIPULATION <i>to Stay Pending Disposition of Re-Examination</i> by Titan Machinery, Inc., Fargo Products, LLC, ATI, Inc.. (Attachments: # <u>1</u> Text of Proposed Order Granting motion to stay case)(Jansson, Peter) (Entered: 04/13/2007)
03/26/2007	<u>51</u>	MOTION Defendants' Request for a Scheduling Order for the Briefing and Hearing on Claim Interpretation by Titan Machinery, Inc., Fargo Products, LLC. (Spaeth, Sidney) (Entered: 03/26/2007)
02/28/2007	<u>50</u>	STATUS REPORT <i>of no settlement</i> by Titan Machinery, Inc., Fargo Products, LLC, ATI, Inc., ATI, Inc., Titan Machinery, Inc., Fargo Products, LLC, Titan Machinery, Inc., Fargo Products, LLC, ATI, Inc.. (Jansson, Peter) (Entered: 02/28/2007)
01/31/2007	<u>49</u>	NOTICE of Hearing: Jury Trial set for 1/7/2008 09:30 AM in Courtroom 1 before Judge Ralph R. Erickson in Fargo;(jo) (Entered: 01/31/2007)
01/31/2007	<u>48</u>	ORDER FOR Settlement Conference set for 12/17/2007 immediately following the final pretrial conference this date in Chambers before Magistrate Judge Karen K. Klein in Fargo by Judge Karen K. Klein (jo) (Entered: 01/31/2007)
01/31/2007	<u>47</u>	ORDER FOR FINAL PRETRIAL CONFERENCE; Final Pretrial Conference set for 12/17/2007 10:00 AM in Chambers before Magistrate Judge Karen K. Klein by Judge Karen K. Klein (jo, ) (Entered: 01/31/2007)
01/23/2007	<u>46</u>	Amended SCHEDULING ORDER: Discovery due by 4/30/2007. Expert Witness List due by 7/2/2007 for defendant and 5/31/07 for plaintiff; Dispositive Motions due by 10/19/2007. by Judge Karen K. Klein (copies to non-ecf attorneys) (sb) (Entered: 01/24/2007)
01/22/2007	<u>45</u>	Minute Entry for proceedings held before Judge Karen K. Klein : Motion Hearing held on 1/22/2007 via telephone conference call re <u>44</u> MOTION for Extension of Time to Complete Discovery (Court Reporter None.) (sb)

		(Entered: 01/24/2007)
01/19/2007	<u>44</u>	MOTION for Extension of Time to Complete Discovery <i>and Amend Scheduling Order</i> by ATI, Inc.. (Gregor, Shanon) (Entered: 01/19/2007)
10/03/2006	<u>43</u>	NOTICE of rescheduling hearing: Final Pretrial and Settlement Conference set for 4/10/2007 10:30 AM in Chambers before Magistrate Judge Karen K. Klein - Fargo; (previously set for 10/5/06) (jo) (Entered: 10/03/2006)
10/03/2006	<u>42</u>	NOTICE of Hearing: Jury Trial reset to Monday, 4/23/2007 at 9:30 AM in Courtroom 1 in Fargo before Judge Ralph R. Erickson. Court to meet with counsel at 9:00 AM in Courtroom 1 before Judge Ralph R. Erickson. (sg) (Entered: 10/03/2006)
09/12/2006		Deadlines and Hearings terminated (final pretrial & settlement conferences set for 10/5/06 cancelled at this time). (Entered: 09/12/2006)
09/12/2006	<u>41</u>	NOTICE CANCELLING Final Pretrial and Settlement Conferences before Judge Klein set for 10/5/06 (copies to counsel) (sb) (Entered: 09/12/2006)
06/05/2006	40	ORDER (TEXT ONLY) by Judge Karen Klein approving 39 Stipulation filed by ATI, Inc. and Titan Machinery, Inc. (njm) (Entered: 06/05/2006)
05/25/2006	<u>39</u>	Joint Status Statement (STIPULATION)by parties (jo) (Entered: 05/26/2006)
02/28/2006	<u>38</u>	STIPULATION AND AGREED ORDER to Modify the July 1, 2005 Scheduling Order Discovery due by 5/15/2006, Dispositive Motion due by 8/17/2006- by Judge Karen K. Klein (see Order)(copy to counsel and court officials)(jo) (Entered: 03/01/2006)
01/19/2006	<u>37</u>	Minute Entry for proceedings held before Judge Karen K. Klein via telephone: Mid-Discovery Hearing held on 1/19/2006. Stipulation and Motion forthcoming to move all dates previously set out 4 to 5 months. (Court Reporter none) (jo) (Entered: 01/19/2006)
11/07/2005		ORDER (endorsed on stipulation) by Hon. Karen K. Klein granting Stipulation (Joint Statement) requesting that Judge Klein defer ruling on mtn for claim construction briefing sched and to set hrg until the parties again request it [36-1], motion for claim construction briefing schedule and to set hearing [34-1] is deemed withdrawn until parties request a briefing sched all counsel) (lrf) Modified on 11/08/2005 (Entered: 11/08/2005)
10/31/2005	36	Stipulation (Joint Statement) requesting that Judge Klein defer ruling on mtn for claim construction briefing sched and to set hrg until the parties again request it (lrf) (Entered: 11/01/2005)
10/28/2005		PROPOSED Stipulation submitted by plaintiff and defendant lodged with the Clerk; awaiting orig signature of Atty Dennis Bremer (lrf) (Entered: 10/28/2005)
10/07/2005	35	CLERK'S MINUTES: of settlement conf. before Hon. Karen K. Klein ; settlement conference held; case did not settle; parties will meet again on their own; (jlo) (Entered: 10/11/2005)

10/07/2005		PROPOSED Order re motion for claim construction briefing schedule and to set a hearing [34-1] lodged with the Clerk (jlo) (Entered: 10/07/2005)
10/07/2005	34	Joint MOTION for claim construction briefing schedule and to set a hearing (jlo) (Entered: 10/07/2005)
09/29/2005	33	LETTER to Atty Jansson returning witness disclosures as unfiled per Local Rule 16.1(B) (lrf) (Entered: 09/29/2005)
09/27/2005	32	JOINT STATEMENT of terms in dispute pursuant to Order [19-1] dated 7/1/05 (lc) (Entered: 09/28/2005)
09/22/2005		PROPOSED Joint Statement of Terms in Dispute submitted by parties lodged with the Clerk. Waiting for original signatures. (lc) (Entered: 09/23/2005)
09/06/2005	31	NOTICE of Setting: mid-discovery tele-conference scheduled for THURS., 1/19/06 at 10:00 am bef. Judge Klein via telephone; Plaintiff's counsel to initiate the call (cc: all counsel, court (lrf) (Entered: 09/06/2005)
09/06/2005	30	NOTICE of Setting: Jury trial scheduled for MON., 10/23/06 at 9:30 am bef. Judge Erickson in Fargo (est. 10 days); Court will meet with counsel at 9:00 am (cc: all counsel, court officials) (lrf) (Entered: 09/06/2005)
09/06/2005	29	ORDER by Hon. Karen K. Klein ; final settlement conference set for THURS., 10/5/06 at 9:30 immed. following Final Pretrial Conf bef. Judge Klein in Fargo (cc: all counsel) (lrf) (Entered: 09/06/2005)
09/06/2005	28	ORDER by Hon. Karen K. Klein ; Final Pretrial conference set for THURS., 10/5/06 at 9:30 am bef. Judge Klein in Fargo (cc: all counsel) (lrf) (Entered: 09/06/2005)
09/01/2005	27	ANSWER (Reply) TO COUNTERCLAIM [24-2] by counter-defendant ATI, Inc. (lrf) (Entered: 09/01/2005)
08/18/2005	26	ORDER by Hon. Karen K. Klein ; settlement conference set for 10/7/05 at 10:00 am before Magistrate Judge Klein in Fargo (cc: all counsel) (lrf) (Entered: 09/01/2005)
08/17/2005		ORDER by Hon. Karen K. Klein (endorsed on Stipulation) granting Stipulation re confidentiality [25-1] (cc: all counsel) (lrf) (Entered: 09/01/2005)
08/15/2005	25	Stipulation regarding confidentiality w/attached proposed order (lrf) (Entered: 09/01/2005)
08/15/2005	24	ANSWER to complaint [23-1] and COUNTERCLAIM by defendants Titan Machinery & Fargo Products, LLC against plaintiff ATI, Inc. (lrf) (Entered: 09/01/2005)
08/12/2005	23	2ND AMENDED COMPLAINT [8-1] (nunc pro tunc as of July 29, 2005) by plaintiff ATI, Inc.; jury demand terminating defendant/counter-claimant Peter Christianson (lrf) Modified on 08/15/2005 (Entered: 08/15/2005)
08/12/2005	22	ORDER by Hon. Karen K. Klein adopting Stipulation for leave to file Nunc

		Pro Tunc, Plaintiff's Second Amended Complaint for Patent Infringement; [21-1] (cc: all counsel) (lrf) (Entered: 08/15/2005)
08/10/2005		PROPOSED Order re motion Stipulation for leave to file Nunc Pro Tunc, Plaintiff's Second Amended Complaint for Patent Infringement; [21-1] lodged with the Clerk (jlo) (Entered: 08/11/2005)
08/10/2005	21	Stipulation for leave to file Nunc Pro Tunc, Plaintiff's Second Amended Complaint for Patent Infringement; (jlo) (Entered: 08/11/2005)
08/05/2005		ORDER (endorsed on stipulation) by Hon. Karen K. Klein adopting Stipulation to extend time for pltf to amend pleadings [20-1] ; Motion to amend pleadings ddl reset to 8/15/05 (cc: all counsel) (lrf) (Entered: 08/08/2005)
08/01/2005	20	Stipulation to extend time for pltf to amend pleadings (lrf) (Entered: 08/02/2005)
07/29/2005		PROPOSED 2nd Amended Complaint submitted by plaintiff ATI, Inc. lodged with the Clerk (Note: Clerk's Office is awaiting motion for leave to file 2nd Amended Complaint) (lrf) (Entered: 08/01/2005)
07/01/2005	19	Order approving Joint Report of Rule 26(f) meeting by Hon. Karen K. Klein (cc: all counsel) (td) (Entered: 07/05/2005)
06/28/2005	18	CLERK'S MINUTES: of Rule 16(b)Sched. Conf. via tel before Hon. Karen K. Klein ; Scheduling conference held; court will approve plan upon original submission; (jlo) (Entered: 06/28/2005)
06/02/2005	17	REPLY by plaintiff to defendants' counterclaims and affirmative defenses re [13-1], re [13-2] (jlo) (Entered: 06/03/2005)
05/20/2005	16	WAIVER by plaintiff, ATI, Inc. and its attorneys the disqualification of Judge Erickson and wish him to continue to be assigned to this case; (jlo) (Entered: 05/24/2005)
05/19/2005	15	ORDER for Rule 26(f)Planning Meeting and Rule 16(b)Sched. Conf. and Order re: Resolution of Discovery Disputes; by Hon. Karen K. Klein Scheduling conference June 28, 2005 at 10:00a.m. bef. Judge Klein in Fargo; (cc: all counsel) (jlo) (Entered: 05/24/2005)
05/19/2005	14	WAIVER OF JUDICIAL DISQUALIFICATION by dfts represented by Attorney Sidney Spaeth (filed on 5/11/05) (sg) (Entered: 05/19/2005)
05/13/2005	13	ANSWER to Amended complaint [8-1] and COUNTERCLAIMS by dfts Peter Christianson, Titan Machinery, and Fargo Products, LLC against plaintiff (td) (Entered: 05/16/2005)
04/25/2005	12	STIPULATION and ORDER by Hon. Karen K. Klein : extending dfts' time to answer or otherwise plead until May 15, 2005; (cc: all counsel) (jlo) (Entered: 04/26/2005)
04/25/2005	11	NOTICE CONCERNING WAIVER OF JUDICIAL DISQUALIFICATION (sg) (Entered: 04/25/2005)

04/11/2005	10	ORDER by Hon. Karen K. Klein endorsed on motion(#10) granting motion Stipulation to extend dfts' time to answer or otherwise plead [10-1] Answer due ddl set April 22, 2005 (cc: all counsel) (jlo) (Entered: 04/15/2005)
03/30/2005	10	Stipulation to extend dfts' time to answer or otherwise plead with attached PROPOSED Order (lc) (Entered: 04/01/2005)
03/21/2005		PROPOSED Stipulation and Order regarding service of amended complaint submitted by parties lodged with the Clerk because Atty Dennis Bremer is not admitted to USDC-ND. Waiting for PHV paperwork. (lc) (Entered: 03/23/2005)
03/16/2005		REMARK Corrected Exhibit #4 of Amended Complaint received from Plaintiff (td) (Entered: 03/16/2005)
03/07/2005	9	ORDER by Hon. Karen K. Klein: granting motions for attorney Molly McKinley to appear pro hac vice [4-1] and for attorney Peter N. Jansson to appear hac vice [3-1] by plaintiff. (cc: all counsel) (lc) (Entered: 03/08/2005)
02/28/2005	8	AMENDED COMPLAINT [1-1] with attached exhibits by pla; jury demand (lc) (Entered: 03/01/2005)
02/28/2005	7	NOTICE OF DISMISSAL pursuant to Rule 41(a)(1) as to dft Fargo Track, Inc. without prejudice. (lc) (Entered: 03/01/2005)
02/22/2005	6	REPORT on the filing or determination of an action regarding Patent Infringement (cc: Copy 1 of form mailed to register) (lc) (Entered: 02/22/2005)
02/22/2005		Text not available. (Entered: 02/22/2005)
02/18/2005	5	RECEIPT #11123 for \$250 filing fee AND \$60 (2) PHV Adm Fees for attys Jansson and McKinley (lc) (Entered: 02/22/2005)
02/18/2005		PROPOSED Order re pla's motion for attorney Molly McKinley to appear pro hac vice [4-1] and motion for attorney Peter N. Jansson to appear pro hac vice [3-1] lodged with the Clerk (lc) (Entered: 02/22/2005)
02/18/2005	4	MOTION by pla for attorney Molly McKinley to appear pro hac vice (lc) (Entered: 02/22/2005)
02/18/2005	3	MOTION by pla for attorney Peter N. Jansson to appear pro hac vice (lc) (Entered: 02/22/2005)
02/18/2005	2	ATTORNEY APPEARANCE for pla by Shanon Gregor (lc) (Entered: 02/22/2005)
02/18/2005	1	COMPLAINT (Summons(es) issued); jury demand (lc) (Entered: 02/22/2005)

Local AO 450 (rev. 5/10)

**United States District Court**  
*District of North Dakota*  
**Southeastern Division**

ATI, Inc.,

Plaintiff

AMENDED  
JUDGMENT IN A CIVIL CASE

vs.

Titan Machinery, Inc. and  
Fargo Products, LLC,

Case No. 3:05-cv-17

Defendants

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.
- ☐ **Decision on Motion.** This action came before the Court on motion. The issues have been considered and a decision rendered.
- ☒ **Stipulation.** This action came before the court on motion of the parties. The issues have been resolved.
- ☐ **Dismissal.** This action was voluntarily dismissed by Plaintiff pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

**IT IS ORDERED AND ADJUDGED:**

The Joint Motion for Entry of Consent Decree and Dismissal is granted. Defendants and their agents, servants, employees, and all persons acting in concert or participation with either of them are permanently enjoined, during the term of the '284 Patent, from making or causing to be made, selling or causing to be sold, or using or causing to be used, anywhere in the United States or its possessions, the Subject Products, except as otherwise permitted under the Settlement Agreement. This case is dismissed with prejudice, this Court retaining jurisdiction of the parties to enforce the Order. Each party will bear its own costs and attorneys' fees in this matter.

Pursuant to the Court's Order filed April 19, 2007, and the Amended Order filed October 25, 2010, Count II of the Complaint and Count II of the Counterclaim as to the 6,074,025 Patent are dismissed with prejudice.

Date: October 25, 2010

**CERTIFIED COPY**

ROBERT J. ANSLEY, CLERK OF COURT

I hereby certify that this instrument is a true and  
correct copy of the electronically filed original. /s/ Lori Haberer, Deputy Clerk

ATTEST:  
ROBERT ANSLEY, CLERK  
United States District Court  
District of North Dakota

By Lori Haberer



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

ATI, Inc.,	)	
	)	
Plaintiff,	)	<b>AMENDED ORDER GRANTING</b>
vs.	)	<b>STIPULATED MOTION FOR</b>
	)	<b>PARTIAL DISMISSAL</b>
Fargo Products, LLC, and Titan	)	
Machinery, Inc.,	)	
	)	Civil File No. 3:05-cv-17
Defendants.	)	

Before this Court is a stipulated Motion for Partial Dismissal (Doc. #53). Specifically, the parties seek to have both Count II of the Complaint, which alleges infringement of ATI's United States Patent No. 6,074,025, and Count II of the Defendant's Counterclaim, to be dismissed with prejudice.

The Motion is **GRANTED** and it is hereby **ORDERED** that Count II of the Complaint and Count II of the Counterclaim (all relating to Patent No. 6,074,025) are dismissed with prejudice with respect to Defendant's product seen in Exhibit 5 of ATI's complaint. This dismissal preserves the parties' rights to assert claims and counterclaims with respect to the '025 patent and materially-different products.

**IT IS SO ORDERED.**

Dated this 25th day of October, 2010.

/s/ Ralph R. Erickson  
Ralph R. Erickson, Chief Judge  
United States District Court

**CERTIFIED COPY**

I hereby certify that this instrument is a true and correct copy of the electronically filed original.

ATTEST:  
ROBERT ANSLEY, CLERK  
United States District Court  
District of North Dakota

By Lori A. Haberer

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

ATI, INC.,	)	
	)	
Plaintiff,	)	Case No. 3:05-CV-17
	)	
-vs-	)	<b>CONSENT DECREE</b>
	)	<b>AND ORDER OF DISMISSAL</b>
FARGO PRODUCTS, LLC and	)	<b>WITH PREJUDICE</b>
TITAN MACHINERY, INC.,	)	
	)	
Defendants.	)	

Before the Court is the parties' Joint Motion for Entry of Consent Decree and Dismissal (Doc. #68). Having reviewed this matter and being fully advised of the premises and the stipulation of the parties, ATI, Inc. ("ATI"), plaintiff, and Fargo Products, LLC ("Fargo") and Titan Machinery, Inc. ("Titan"), defendants, this Court hereby finds and orders as follows:

1. This Court has jurisdiction over the parties and of the subject matter of this action.
2. This action arises under the Patent Laws of the United States.
3. The parties, each represented by counsel, have informed the Court that they have reached a Settlement Agreement.
4. United States Patent No. RE36,284 was duly and legally issued to AgTracks, Inc., now known as ATI, Inc., by the Patent & Trademark Office on August 31, 1999. Reexamination Certificate No. RE36,284 F1 confirming the patentability of its claims was issued on November 25, 2008. Such patent and its reexamination certificate, copies of which are filed at Doc. #68-1, are collectively referred to herein as "the '284 Patent."
5. This suit alleges that defendants have infringed the '284 Patent by their manufacture and sale without ATI's authority of certain track modules. The track-module products in dispute are those pictured or illustrated in the documents of Exhibits A-C, filed at Doc. #68-2, such products being collectively referred to herein as the "Subject Products."
6. For purposes of settling this case, the parties have agreed that the '284 Patent is valid and that the Subject Products infringe certain claims of the '284 Patent.

**CERTIFIED COPY**  
I hereby certify that this instrument is a true and correct copy of the electronically filed original.

ATTEST:  
ROBERT ANSLEY, CLERK  
United States District Court  
District of North Dakota

By L. A. Haber

In view of all of the foregoing, including the stipulation of the parties,

**IT IS HEREBY ORDERED THAT:**

The Joint Motion for Entry of Consent Decree and Dismissal is GRANTED. More specifically, **IT IS HEREBY FURTHER ORDERED THAT:**

- A. Defendants and their agents, servants, employees, and all persons acting in concert or participation with either of them are permanently enjoined, during the term of the '284 Patent, from making or causing to be made, selling or causing to be sold, or using or causing to be used, anywhere in the United States or its possessions, the Subject Products, except as otherwise permitted under the Settlement Agreement.
- B. This case is dismissed with prejudice, this Court retaining jurisdiction of the parties to enforce this Order.
- C. Each party will bear its own costs and attorneys' fees in this matter.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 20th day of October, 2010

/s/ Ralph R. Erickson

Honorable Ralph R. Erickson, Chief District Judge  
United States District Court

Approved as to form:

For Plaintiff:

JANSSON SHUPE & MUNGER LTD.

By s/Peter N. Jansson

Peter N. Jansson  
245 Main Street  
Racine, WI 53403  
Telephone: 262-632-6900

For Defendants:

CARLSON, CASPERS, VANDENBURGH  
& LINDQUIST

By s/Dennis C. Bremer

Dennis C. Bremer  
225 South Sixth Street, Ste. 3200  
Minneapolis, MN 55402  
Telephone: 612-436-9600

CM/ECF - ndd

CLOSED, COPY

**U. S. District Court for the District of North Dakota (Southeastern)**  
**CIVIL DOCKET FOR CASE #: 3:05-cv-00017-RRE -KKK**  
**Internal Use Only**

Date Filed: 02/18/2005  
Date Terminated: 10/21/2010  
Jury Demand: Both  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

ATI, Inc. v. Christianson, et al  
Assigned to: Chief Judge Ralph R. Erickson  
Referred to: Magistrate Judge Karen K. Klein  
Demand: \$0  
Cause: 28:1338 Patent Infringement

**Plaintiff**  
**ATI, Inc.**

represented by **Peter N. Jansson**  
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**Defendant**

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*TERMINATED: 06/11/2010*

**Counter Claimant**

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**Counter Claimant**

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**Counter Defendant**

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/26/2010	<u>73</u>	REPORT on the determination of an action regarding Patent. CC:Form mailed to register. (lh) (Entered: 10/26/2010)
10/25/2010	<u>72</u>	CLERK'S AMENDED JUDGMENT of Dismissal with Prejudice (amends Judgment filed at <u>70</u> ) (lh) (Entered: 10/25/2010)
10/25/2010	<u>71</u>	AMENDED ORDER re <u>55</u> Order granting Stipulated Motion for Partial Dismissal as to Count II of the Complaint and Count II of the Counterclaim by Chief Judge Ralph R. Erickson (amended to correct a typographical error regarding Patent No. in paragraph two).(CRP) (Entered: 10/25/2010)
10/21/2010	<u>70</u>	CLERK'S JUDGMENT of Dismissal with Prejudice (lh) (Entered: 10/21/2010)
10/20/2010	69	CONSENT DECREE AND ORDER OF DISMISSAL WITH PREJUDICE granting <u>68</u> Joint Motion for Entry of Consent Decree and Dismissal by Chief Judge Ralph R. Erickson. (CRP) (Entered: 10/20/2010)
10/15/2010	68	MOTION to Dismiss <i>filed with Consent Decree and Dismissal based on a Settlement Agreement reached by the parties and filed by ATI, Inc..</i> (Attachments: # <u>1</u> Consent Decree & Dismissal, # <u>2</u> Exhibit s A-C to Consent Decree)(Jansson, Peter) (Entered: 10/15/2010)